

**HAMPTON CHARTER TOWNSHIP
BAY COUNTY, MICHIGAN**

MEDICAL MARIHUANA FACILITIES ORDINANCE NO. 65-1

An ordinance to provide a title for the ordinance; to define words; to authorize the operation of and provide regulations for medical marihuana facilities in the Charter Township of Hampton pursuant to Public Act 281 of 2016, as may be amended; to provide for an annual fee; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith and to provide an effective date.

NOTE: Additions are underlined and deletions ~~look like this~~. Only the proposed amendment to the Ordinance and the portion of the Ordinance to be amended is shown below.

**THE CHARTER TOWNSHIP OF HAMPTON
BAY COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
TITLE**

This ordinance shall be known as and may be cited as the Charter Township of Hampton Medical Marihuana Facilities Ordinance.

**SECTION II
DEFINITIONS**

Words used herein shall have the definitions as provided for in PA 281 of 2016, as may be amended.

**SECTION III
AUTHORIZED LICENSED MEDICAL MARIHUANA FACILITIES**

1. The following medical marihuana facilities may be authorized by resolution to operate within the Township by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended, the Rules promulgated thereunder and this ordinance:
 - A. Class A growers (500 marihuana plants) to be located in Agricultural or Industrial zones.
 - B. Class B growers (1,000 marihuana plants) to be located in Agricultural or Industrial zones.
 - C. Class C growers (1,500 marihuana plants) to be located in Agricultural or Industrial zones.
 - D. Processors to be located in an Agricultural or Industrial zone.
 - E. Safety compliance facilities to be located in an Industrial zone.
 - F. Secure transporters to be located in an Industrial zone.

2. The Township shall accept applications for authorization to operate a medical marihuana facility within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk. Once the Township Clerk receives a complete application including the initial annual medical marihuana facility fee, the application shall be submitted to the Township Board.
3. The Application shall include a non-refundable fee to reimburse the Township for administrative costs as determined by the Township Board by resolution, which may be amended from time-to-time.
4. The application shall consist of the following information:
 - A. The name, address, phone number and e-mail address of the proposed Permit Holder and the proposed Medical Marihuana Facility;
 - B. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the Permit Holder and the Medical Marihuana Facility;
 - C. Fourteen (14) copies of all the following:
 - 1) All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property and Permitted Premises. If the Applicant is not the owner of the proposed Permitted Property and Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Commercial Medical Marihuana Facility.
 - 2) If the proposed Permit Holder is a corporation, non-profit organization, Limited Liability Company or any other entity other than a natural person, indicate its legal status, attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan, and a certificate of good standing.
 - 3) A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - 4) Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - 5) Application for Sign Permit, if any sign is proposed.
 - 6) Business and Operations Plan ***which the applicant, if authorized to operate within the Township, shall be required to follow***, showing in detail the Medical Marihuana Facility's proposed plan of operation, including without limitation, the following:

- i. A description of the type of Facility proposed and the anticipated or actual number of employees including a staffing plan; and projected or actual gross receipts.
- ii. A security plan which shall include a general description of the security systems(s), lighting, alarms, barriers, recording and monitoring devices, current centrally alarmed and monitored security system service agreement, and security guard arrangements for the proposed Permitted Premises, and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.
- iii. A description by category of all products and/or service to be included in the proposed facility.
- iv. A list of Material Safety Data Sheets for all nutrients, pesticides, and other chemicals proposed for use in the Medical Marihuana Facility.
- v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the Permitted Premises.
- vi. A plan for the disposal of Marihuana and related byproducts that will be used at the Facility.
- vii. An identification of any business that is directly or indirectly involved in the growing, testing, transporting or sale of Marihuana for the facility.
- viii. Whether any applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.
- ix. A site plan and interior floor plan of the Permitted Premises which shall also be subject to site plan review by the planning commission.
- x. Information regarding any other Medical Marihuana Facility that the Licensee is authorized to operate in any other jurisdiction within the State, or another State, and the Applicant's involvement in each Facility.
- xi. Written consent by the applicant, the permit holder, and its owner, officers, managers, and agents for any state or local law enforcement or Authorized Township Officials to conduct random, unannounced

inspections, examinations, and searches of the facility, its contents, records, documents and all articles of property to ensure compliance with the ordinances of this Township.

- xii. Proof of financial responsibility for bodily injury including proof of adequate liability and casualty insurance.
 - xiii. Financial statements including actual bank statements and any required state auditor's report.
 - xiv. Total amount of capitulation and sources of that capital.
 - xv. A signed release authorizing the Township to conduct a criminal background check on the applicant, the permit holder, and its owner, officers, managers, and agents.
 - xvi. A patient education plan if applicable.
 - xvii. A health plan for employees and patients including a sanitation plan demonstrating how the waste from marihuana will be disposed of.
 - xviii. All information provided to the appropriate regulatory agency or agencies to apply for licensing in the State of Michigan.
 - xix. The prior general business management experience of the applicant especially in the proposed field of operation.
 - xx. The sources and total amount of capitalization to operate and maintain the proposed facility.
 - xxi. Whether the applicant has filed bankruptcy in the last seven years.
 - xxii. Whether the applicant has been served with a complaint or other notice of any tax required under any jurisdiction that has been delinquent for one or more years.
 - xxiii. Whether the applicant has been noncompliant with any regulatory requirements in any jurisdiction.
 - xxiv. Whether the applicant has been noncompliant with the MMMA (Michigan Medical Marihuana Act).
- D. Any other information reasonably requested by the Township to be relevant to the processing or consideration of the Application.
- E. The applicant shall also be required to provide all material changes and updates in any information submitted to the Township. Failure to do so may result in a revocation of the license issued by the Township.

5. The Township may authorize by resolution *on a case by case basis* an applicant to operate a medical marihuana facility subject to the additional requirements of the Charter Township of Hampton Zoning Ordinance based on the following standards:
 - A. The economic development benefits the Charter Township of Hampton including but not limited to the number of jobs created and the increase in state equalized value.
 - B. The prior general business management experience and reputation of the applicant in general and especially in the proposed field of operation including but not limited to a history of licenses obtained in other jurisdictions.
 - C. The applicant's sources and total amount of capitalization to operate and maintain the proposed marihuana facility.
 - D. Whether the applicant has filed or had filed against it, a proceeding for bankruptcy within the past seven years.
 - E. Whether the applicant has been served with a complaint or other notice file with any public body regarding payment of any tax required under any jurisdiction that has been delinquent for one or more years.
 - F. Whether the applicant has been noncompliant with any regulatory requirements in any jurisdiction.
 - G. The integrity, moral character, and reputation both personal and in business of the applicant including the prior criminal history.
 - H. The applicant's interest in the local community.
 - I. The business plan submitted by the applicant.
 - J. The security plan submitted by the applicant.
 - K. The applicant's prior history of compliance with the MMMA (Michigan Medical Marihuana Act).
 - L. The applicant's ability to meet health and safety standards.
 - M. The financial ability of the applicant to obtain insurance in all aspects of the proposed activity especially liability and casualty insurance.
 - N. The applicant's type of service and product.
 - O. Any other information reasonably relevant to the processing or consideration of the Application.

- P. No medical marihuana facility shall be located within five hundred feet (500') of any educational institution or school, college, or university. The minimum distance between uses shall be measured horizontally between the nearest point of any building to the nearest point of the medical marihuana facility.
- Q. No medical marihuana facility shall be located within one hundred feet (100') of any churches or public and private parks. The minimum distance between uses shall be measured horizontally between the nearest point of any building to the nearest point of the medical marihuana facility.
- R. All activities of medical marihuana facilities, including without limitation, growth, cultivation, and processing and all other related activities permitted under the permit holders license or permit as allowed under this Ordinance must occur in doors. The facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted premises.

SECTION IV
GENERAL REGULATIONS REGARDING
AUTHORIZED MEDICAL MARIHUANA FACILITIES

1. An authorized medical marihuana facility shall only be operated within the Township by the holder of a state operating license issued pursuant to PA 281 of 2016, as may be amended, and the Rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.
2. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township zoning ordinance regulations and pay all corresponding fees. The facility shall only be operated as long as it remains in compliance with all Township zoning ordinance regulations.
3. Prior to operating an authorized medical marihuana facility within the Township pursuant to a state operating license, the facility must comply with all Township construction and building ordinances, all other Township ordinances specifically regulating medical marihuana facilities, and generally applicable Township police power ordinances. The facility shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
4. An authorized medical marihuana facility shall consent to inspection of the facility by Township officials and/or by the County Sheriff's Department, upon reasonable notice, to verify compliance with this ordinance.
5. If at any time an authorized medical marihuana facility violates this ordinance the Township Board may immediately revoke or not renew the Township authorization.
6. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical marihuana facility a vested right, license, privilege or permit to continued authorization from the Township for operations within the Township.

7. The Township expressly reserves the right to amend or repeal this ordinance in any way including but not limited to complete elimination of or reduction in the type and/or number of authorized medical marihuana facilities authorized to operate within the Township.
8. That the original valid permit issued by the Township together with all State licenses must be prominently displayed at the permitted premises in a location where it can be easily viewed by all who enter the premises including law enforcement and administrative authorities.
9. Permits granted under this Ordinance by the Charter Township of Hampton are not transferrable to any person or other business entity unless an application and all required fees under this Ordinance have been granted a permit by the Township Board. No permits issued under this Ordinance are transferrable to any other location except for the permitted premises on the permitted property. In cases of corporate entities including LLC's, change of ownership constitutes a transfer of licenses and is not permitted. Change of less than one-half (½) of the members of an LLC or stock holders of a stock corporation or membership of a membership corporation shall not require a transfer or new permit, but changes of ownership interest equal to 50% or greater shall require a new application be filed and new permit be received.
10. Renewal Application. It is the sole responsibility of the permit holder to submit to the Township Board a completed Renewal Application to be received by the Clerk not less than sixty (60) days prior to the expiration of the annual permit under which the permit holder is currently operating. Completed Renewal Applications that have not been received by the expiration date of the permit deem the permit to be expired and forfeited under this Ordinance and a new permit process is required as detailed within this Ordinance.
11. Sign Restrictions. No pictures, photographs, drawings or other depictions of marihuana or marihuana paraphernalia shall appear on the outside of any permitted premises, nor be visible outside of the permitted premises on the permitted property. The words "marihuana" and "cannabis" or any other words used or intended to convey the presence or availability of marihuana shall not appear on the outside of the permitted premises nor be visible outside the permitted premises on the permitted property and no signs depicting the same are permitted.
12. No Temporary Structures. Medical marihuana facilities are not authorized in temporary structures such as greenhouses, tents, storage facilities, barns, semitrailers, storage pods, or any other structure or temporary facility that is capable of being dismantled or moved upon the lot or public highways from place to place. In that regard, all medical marihuana facilities shall be constructed to the minimum standards of types I through V, inclusive, of types of construction permitted by the Michigan Building Code and regulated by the Michigan Department of Consumer Industry Services in the Bureau of Construction Codes adopted by it from time to time and as may be amended as of the time of application for permit under this Ordinance.

SECTION V
ANNUAL MEDICAL MARIHUANA FACILITY FEE

There is hereby established an annual nonrefundable Township medical marihuana facility fee which will be established by the Township Board by resolution and amended from time to time, for each authorized medical marihuana facility within the Township, to help defray administrative and enforcement costs associated therewith. An initial annual medical marihuana facility fee as established by Township Board

resolution shall be payable at the time of application for Township authorization and thereafter the same amount shall be payable each year by the anniversary of the date of full Township authorization to operate the medical marihuana facility.

SECTION VI
VIOLATIONS AND PENALTIES

1. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. Each day during which any violation continues shall be deemed a separate offense.
2. A violation of this ordinance is a misdemeanor punishable by up to ninety (90) days in jail and/or five hundred dollars (\$500) in fines, in the discretion of the Court. Additionally, violation of this Ordinance will result in termination of the license or permit granted hereunder by the Charter Township of Hampton and result in immediate forfeiture of said operating privilege, should the Township Board determine that is an appropriate remedy.

SECTION VII
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing medical marihuana facilities pursuant to PA 281 of 2016, as may be amended.

SECTION VIII
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX
EFFECTIVE DATE

This ordinance shall take effect immediately after publication.

CERTIFICATION

I, PAMELA J. WRIGHT, as Clerk for the Charter Township of Hampton, Bay County, Michigan, hereby certify the following relative to the foregoing Ordinance:

1. That the same was introduced by the Charter Township of Hampton Board on the _____ day of _____, 2018.

2. That the same was published in a newspaper circulated within the Township of Hampton, Bay County on the _____ day of _____, 2018.

3. That the same was adopted by the Charter Township of Hampton Board on the _____ day of _____, 2018.

4. That the same was published in a newspaper circulated within the Township of Hampton, Bay County on the _____ day of _____, 2018.

Dated: _____

PAMELA J. WRIGHT, Clerk

AUTHENTICATION OF RECORD

WE, TERRI CLOSE, Supervisor, and PAMELA J. WRIGHT, Clerk, for the Charter Township of Hampton, Bay County, Michigan, hereby authenticate the following relative to the foregoing ordinance:

1. That the same was adopted by the Charter Township of Hampton Board on the _____ day of _____, 2018.

2. That the following members of the Township Board voted "yes" in favor of said Ordinance: _____
_____.

3. That the following members of the Township Board voted "no" against said Ordinance: _____
_____.

4. That the following members of the Township Board were absent: _____
_____.

DATED this _____ day of _____, 2018.

TERRI CLOSE
Supervisor

PAMELA J. WRIGHT
Clerk